

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name, that I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention or design entitled "**Oral Appliance for Maintaining Stability of One or More Aspects of a User's Masticatory System**," the specification of which is attached hereto; that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Priority Claimed (Yes) (No)</u>
N/A			

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial Number</u>	<u>Date Filed</u>	<u>Status</u>
10/308,311	December 2, 2002	Pending
10/193,392	July 11, 2002	Pending

I hereby appoint:

Practitioners at Customer Number:

**05073**

all of the firm of Baker Botts L.L.P., my attorneys/agents with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:

Christopher W. Kennerly, Esq.  
The above-mentioned Customer Number

Direct Telephone Calls To:

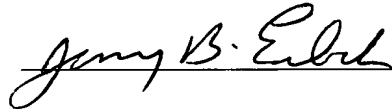
Christopher W. Kennerly, Esq.  
at 214.953.6812  
Attorney Docket No. 073813.0110

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of the first and sole inventor

Jimmy B. Eubank

Inventor's signature

  
\_\_\_\_\_

Date

1-27-04

Residence (City, County, State)

Plano, Collin County, Texas

Citizenship

United States of America

Post Office Address

1401 Chatsworth Lane  
Plano, Texas 75075

Applicant or Patentee: Jimmy B. Eubank  
Serial or Patent No:  
Filed or Issued:  
Title: **Oral Appliance for Maintaining Stability of One or More Aspects of a User's Masticatory System**

Attorney's Docket No.: 073813.0110

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.27(a)(c)) -- INDEPENDENT INVENTOR**

As below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.27(a)(1) for purposes of paying reduced fees to the Patent and Trademark Office regarding the invention entitled **Oral Appliance for Maintaining Stability of One or More Aspects of a User's Masticatory System**.

☒ the specification filed herewith.  
☐ application serial number \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent number \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.27(a)(1) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below.\*

☒ No such person, concern, or organization  
☐ Persons, concerns or organizations listed below\*

**\*NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)(a)(1)

NAME:  
ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME:  
ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

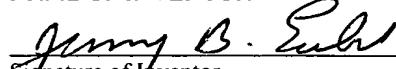
NAME:  
ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Jimmy B. Eubank  
NAME OF INVENTOR

  
Signature of Inventor

1-27-04  
Date